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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,061	06/14/2001	Thomas Thoroe Scherb	P20845	6435

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EXAMINER

HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 03/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880061

Applicant(s)

Scherb et al

Examiner

HASTINGS

Group Art Unit

1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12-2002.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-52 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-52 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on Dec 17, 02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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The proposed drawing correction, filed on December 17, 2002 is approved by the Examiner.

Claims 1-3, 5-27, 29-49, and 51, 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tietz et al./EP 926296 in view of Millspaugh, as necessary with Schiel '349 and/or Kanitz et al.

Tietz et al, US equivalent to EP '296, shows an apparatus and method as claimed in most of these claims except it does not teach that hot air or steam ~~overpressure~~ may be applied around suction roll 6. Compare Figure 1 of the instant case with the sole Figure of Tietz et al/EP '296.

However, providing a hot air hood (or steam) opposite a suction roll to aid in dewatering in a papermaking machine is very well known and conventional as may be exemplified in the paragraph bridging the two columns of page 4 of Millspaugh. Furthermore as even necessary, Schiel '349 teaches in a tissue making machine the obviousness of hot air or steam opposite a suction device (note column 6 lines 1-10, IR devices would inherently provide hot air), and/or Kanitz et al. also exemplifies use of an air press with hot air opposite suction in a tissue making machine. Note for example only Figure 5 of Kanitz et al, hot air press 50 and also steam shower 44

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positioned over a vacuum box 46 and multiple vacuum boxes 42, etc. etc. in a tissue making machine.

Thus it clearly would have been prima facie obvious to one of ordinary skill in the art to provide the well known feature of a hood opposite suction roll 6 of Tietz et al and/or to provide either steam or hot air and a suction device to enhance the dewatering of the paper web prior to the extended nip press 10 of Tietz et al/EP '296.

Furthermore the addition of an additional suction box would have been prima facie obvious to one of ordinary skill in the art for the well known advantages of an additional suction box providing additional dewatering effect as needed. The applied references indeed exemplify numerous suction dewatering devices for dewatering the paper web as appropriate.

Note all dependent claims are either drawn to conventional features that are exemplified in the applied references and/or technical features that are very well known to those of ordinary skill in the art and as such would have been prima facie obvious technical options to use on the tissue making machine of EP '296.

Claims 13-20 and 37-44 are also rejected under 35

U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further in view of Morton and/or Lee et al.

Morton exemplifies that an imprinting fabric may be the second fabric carried through a twin wire forming zone and onto a Yankee creping cylinder to make a tissue web. Likewise, Lee et al. exemplifies that a fabric may be a felt 24 or may be a fourdrinier fabric/wire.

Thus clearly the choice of an appropriate fabric for the fabric 5 in Tietz et al/EP '296 (or in any other primary reference applied to an appropriate claim above) would have been a design choice well within the level of ordinary skill in the art in order to obtain the advantages of these known alternative fabrics for the tissue making machine.

Claims 8, 9 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further as needed in view of Wanke et al. and/or Dahl et al. and/or Laapotti '046.

Each of Wanke et al., Dahl et al. and Laapotti '046 exemplifies the well known technical feature of independently controlled crosswise pressing zones in an extended press nip. Therefore to use this well known technical feature in the extended nip press of any primary reference applied to an appropriate claim above would have been prima facie obvious in order to obtain the well known advantages of such a technical feature as exemplified by these references.

Note Tietz et al also explicitly teaches this feature.

Claims 21 and 45 are also rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further in view of Crouse and/or Kade et al.

Both of Crouse and Kade et al. exemplify the well known technical feature of having multiple dewatering fabrics in an extended nip press. Thus for example only, note Figure 4 of Crouse wherein both felts F2 and F1 are in the extended nip press and Figure 6 of Kade et al. wherein there are at least two press felts each on either side of the extended press nip. Therefore to use an additional fabric through the extended nip press at 10/2 of Tietz et al/EP '296 (or in any other primary reference applied to an appropriate claim above) would have been prima facie obvious for the well known advantages of enhancing dewatering by having multiple fabrics on one or both sides of the press nip, as exemplified by both of the two applied references.

Applicants' arguments filed December 17, 2002 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the

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knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would have been amply motivated to provide a steam hot air or steam hood opposite the suction roll 6 of Tietz et al. for the well known advantages that providing a hot air hood or steam opposite a suction roll to aid in dewatering in a paper making machine is well known and conventional, as is exemplified by the references detailed in the rejection above.

The obviousness of providing a hot air hood opposite a suction roll to aid in dewatering is very well known and conventional as may be exemplified in the paragraph bridging the two columns of page 4 of Millspaugh. Furthermore as even necessary, Schiel '349 teaches in a tissue making machine the obviousness of hot air or steam opposite a suction device (note column 6 lines 1-10), and/or Kanitz et al. also exemplifies use of an air press with hot air opposite suction in a tissue making machine. Note for example only Figure 5, hot air press 50 and also steam shower 44 positioned over a vacuum box 46 and multiple vacuum boxes 42, etc. etc. in a tissue making machine.

Thus it clearly would have been prima facie obvious to one of ordinary skill in the art to provide the well known feature of a hood opposite suction roll 6 to provide either steam or hot air

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to enhance the dewatering of the paper web prior to the extended nip press 10 of Tietz/EP '296.

Arguments, on paragraph bridging pages 24-25 of applicants 12/17/2002 response, that the Tietz documents lack any apparent disclosure to guiding a material web from a forming roll over said at least one suction apparatus into a pressing nip are not understood and do not appear to be correct. Tietz documents clearly showing a forming roll 11 and the material web is guided on belt 5 from the forming roll over the suction apparatus 6 and through a pressing nip formed by the dryer drum 3 and press device 10. Again compare the sole figure in this case to the sole figure of Tietz - they are identical except for the hot air/steam hood opposite the suction roll 6 of the instant case (and the use of an optional additional suction box 46).

Further, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory

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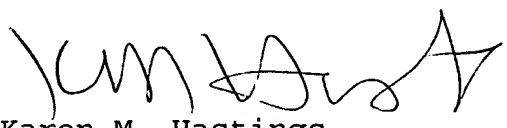
period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
February 13, 2003

2/2003